

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<b>CIRIACO PUCILLO,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 03-CV-12359 MLW</b>
	)	
<b>METSO PAPER, INC. AND</b>	)	
<b>VALMET CONVERTING, INC.</b>	)	
<b>Defendants.</b>	)	
	)	

**ATTACHMENTS 6 - 10 TO  
STATEMENT OF MATERIAL FACTS OF RECORD  
TO WHICH THERE IS NO GENUINE ISSUE**

# ATTACHMENT 6

Volume I  
Pages 1 to 69  
Exhibits 1 to 6

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIRIACO PUCILLO,  
Plaintiff(s),

v.

Civil Action  
No. 03-CV-12359 MLW

METSO PAPER INC., AND  
VALMET CONVERTING, INC.,  
Defendant(s).

DEPOSITION OF GREG HAGOPIAN, a witness called by  
counsel for the Plaintiff, taken pursuant to the  
applicable rules, before Diane L. McElwee, Registered  
Merit Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the Offices of  
Proma Technologies, 24 Forge Park, Franklin,  
Massachusetts, on Friday, February 4, 2005,  
commencing at 1:10 PM.

JAMES GIBBONS & ASSOCIATES  
617-428-0402

1 Q Can you please tell me what your duties are  
2 as an electrical engineer at Proma?

3 A I oversee the installation, upkeep,  
4 maintenance and improvement of electrical equipment  
5 in plant.

6 Q What are your responsibilities as far as  
7 implementing those duties?

8 Is that a bad question?

9 A Could you repeat that again?

10 Q Could you tell me on a day-to-day basis what  
11 it is basically that you do?

12 A I take care of the responsibilities of  
13 electrical equipment in the plant.

14 Q Do you do regular daily inspections of the  
15 equipment, or is it on an as-needed basis?

16 A On an as-needed basis.

17 Q If something goes wrong, that's when they  
18 call you?

19 A Yes.

20 Q Do your responsibilities include the  
21 purchasing of new equipment?

22 A Yes.

23 Q Do you enter into service contracts?

24 A No.

1 been something you would have been involved with?

2 A I don't know.

3 Q How many drives does the Atlas Slitter No. 1  
4 have?

5 A Three.

6 Q Can you describe the three drives on the  
7 Atlas slitter, where they are located?

8 A One is located at the front or the rewind  
9 end of the machine. That's call the main slitter  
10 drive.

11 Q Okay.

12 A Two drives are located at the unwind, one on  
13 the operator side and one on the drive side.

14 Q The second and third drives, do they operate  
15 the rewind arms, or do they provide the source of  
16 power for the rewind arms?

17 A Say that again.

18 Q Well, I guess I am using the wrong  
19 vocabulary. I am going to back it up a bit.

20 Within each of the rewind arms --  
21 strike that.

22 Are you familiar with the mother boards  
23 in the Atlas Slitter No. 1?

24 A No.

1 Q When you say those drives are on the driven  
2 arms, are the driven arms and the rewind arms the  
3 same thing?

4 A I don't know.

5 Q What do the driven arms attach to or hold?  
6 Do the driven arms hold the core in between them?

7 A Yes.

8 Q So if you had two arms with the core in  
9 between, you would consider those arms to be the  
10 driven arms, correct?

11 A Yes.

12 Q And you said there is a drive in those arms?

13 A Yes.

14 Q Does each arm have its own drive?

15 A Each driven arm has its own drive.

16 Q If there is a problem with one of those  
17 driven arms, do you replace a drive board ar mother  
18 board within those arms?

19 A I don't know.

20 Q Have you ever seen any of the Infranor  
21 mother boards that go into those arms?

22 A No.

23 Q It's my understanding there are cabinets in  
24 which the inventory is kept. Are you familiar with

1 Q Electrical schematics?

2 A No.

3 Q You brought with you today a binder,  
4 correct?

5 A Yes.

6 Q It's about a three inches thick and is  
7 oversized and contains what appear to be electrical  
8 drawings and information, right?

9 A Yes.

10 Q What is this binder? Where is it kept, and  
11 what is it referred to as?

12 A This binder contains the Atlas electrical  
13 schematics. It's kept at the machine next to  
14 electrical control.

15 Q Next to the machine for reference?

16 A Primarily.

17 Q Who refers to that binder, you in your  
18 capacity?

19 A Yes.

20 Q Do the licensed electricians refer to that  
21 binder?

22 A I don't know.

23 Q In your capacity, when you refer to that  
24 binder, what are you looking for?

1 generation?

2 A The term daughter board means that's going  
3 to be mounted onto something, a mother board or a  
4 parent board.

5 Q So it would mean it's attached to it --

6 A Yes.

7 Q -- in some fashion.

8 Can you tell from Exhibit No. 6 whether  
9 there is a daughter board that gets attached to a  
10 mother board, or do you need to look at the physical  
11 boards to determine that?

12 A I wouldn't know if this is a daughter board  
13 or not.

14 Q If you look at Exhibit No. 6, in the upper  
15 right-hand quadrant of the document is a circle  
16 around the No. 2, correct?

17 A I see it.

18 Q In pen. And there is a line that connects  
19 that circle around No. 2 to the notes on the bottom  
20 left-hand quadrant, correct?

21 A Yes.

22 Q The notes on the bottom left-hand quadrant  
23 say, OS13 for use with SMVE 2420, bracket, M55 and,  
24 bracket, M59; Set S1 to Position 1 for M55; Set S1 to



1 Position 2 for M59.

2 See that note?

3 A I see the note.

4 Q Does that note on the bottom left-hand  
5 quadrant refer to the number S1 in the upper  
6 right-hand quadrant?

7 A From what you just read I would say yes.

8 Q From your training and education as an  
9 electrical engineer you would say yes, too?

10 A Yes.

11 Q Somebody drew a line from a note in the  
12 bottom left hand to the upper quadrant, right?

13 A That's correct.

14 Q Do you know who did that?

15 A No.

16 Q Do you know if you did that?

17 A Yes. No, I didn't.

18 Q You don't know who did?

19 A Correct.

20 Q But it was done before you came into this  
21 room today?

22 A Yes.

23 Q In the upper right-hand quadrant under the  
24 S1 there is some schematics. There is lines

1 connecting to other lines and positions you can put  
2 the lines, correct?

3 A Correct.

4 Q As a degreed electrical engineer, what does  
5 that tell you?

6 A That there is a switch called S1 with three  
7 terminals on it and two positions.

8 Q Okay. Just so we have the same terminology,  
9 what's a terminal?

10 A An entry point.

11 Q So there is two positions. So the switch  
12 would connect Point 3 to Point 2 or Point 3 to  
13 Point 1, correct?

14 A From what's depicted here, yes.

15 Q Exhibit 6 is saying the switch has to be set  
16 to a particular position, right?

17 MS. COUNIHAN: I will object. Go  
18 ahead.

19 Q S1 you told me was a switch?

20 A Yes.

21 Q And there is a position called Position  
22 No. 2 and a position called Position No. 1 on this  
23 drawing, correct?

24 A Correct.

1 Q What that switch has to do is connect  
2 Terminal 3 to Position 2 or connect Terminal 3 to  
3 Position 1, correct?

4 A From what's shown in this drawing, yes.

5 Q In the bottom left-hand corner, the notes  
6 tell you when you use Position No. 1 and when to use  
7 Position No. 2, correct?

8 A Correct.

9 Q My understanding from your prior testimony  
10 is that you have never actually changed an Infranor  
11 drive on the driven arms, correct?

12 A Correct.

13 Q And that would include I assume you have  
14 never been called in to consult with a change,  
15 correct?

16 A Correct.

17 Q If the licensed electricians call you when  
18 they have a problem or a concern, would it be you  
19 then who makes a decision when to call the original  
20 equipment manufacturer or someone else with more  
21 technical knowledge?

22 A Primarily it would be me.

23 Q It seems to me that Van Leer and Proma  
24 Technologies could have called someone every time a

1 drive needed to be changed, correct?

2 A Correct.

3 Q But someone made a decision that changes to  
4 the drives would be done in house at Van Leer and  
5 Proma Technologies, correct?

6 A I don't know that.

7 Q Do you know if drives have ever been changed  
8 on those machines?

9 A The rewind drives? I don't know.

10 Q Okay. You have never been involved in a  
11 decision whether to send for someone with more  
12 expertise to change a drive or to do the drive change  
13 in house, correct?

14 A Correct.

15 Q Whatever drive changes have been made or  
16 haven't been made have been done without your  
17 knowledge?

18 A I have no knowledge of a drive being  
19 changed.

20 Q Right. So if one was changed, you weren't  
21 consulted?

22 A That's a fair statement.

23 Q Is it fair to say that the changing of a  
24 drive would not require your intervention?

1 A Yes.

2 Q What's the reason?

3 A We wouldn't have known of the existence of  
4 it.

5 Q You wouldn't have know of the existence of  
6 what?

7 A Of the switch that you pointed out.

8 Q You didn't know the switch existed?

9 A Correct.

10 Q Is it your understanding that no one at  
11 Proma Technologies and no one at Van Leer knew that  
12 switch existed?

13 A That's my understanding.

14 Q Where did that understanding come from?

15 A No one I have spoken to here knew of the  
16 existence of that switch.

17 Q Anyone who looked at that binder of  
18 electrical information would have known about the  
19 switch, correct?

20 A If they had turned to that specific page.

21 Q Any one of the three pages that referenced  
22 the switch we went through just a half an hour ago?

23 A I wouldn't agree to that.

24 Q Well, anyone who looked at Exhibit 6, which

1 is page 158, would know about the switch, correct?

2 A That's correct.

3 Q They would know the proper position for the  
4 switch, right?

5 A They would know the proper position for S1  
6 on this board, correct. Looking at that sheet that's  
7 what they would surmise from that sheet and that  
8 information on that sheet.

9 Q In fact somebody actually took a pen and  
10 drew a circle around a position on the switch.

11 A That's correct.

12 Q Did you know Mr. George Rice?

13 A No.

14 MS. COUNIHAN: Can I interject here?

15 I think your point was there were three pages that  
16 had that switch on it, and you just referred to one.

17 Q Certainly on that page. That may be the  
18 only page that refers to the switch. The other pages  
19 refer to the M59 module, correct?

20 A Correct.

21 Q You did not know Mr. Rice?

22 A I didn't know Mr. Rice.

23 Q Are you familiar with the term "Infranor  
24 drive boards"?

# ATTACHMENT 7

Volume I  
Pages 1 to 110  
Exhibits (None)

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIRIACO PUCILLO, -----  
Plaintiff(s),

v.

Civil Action  
No. 03-CV-12359 MLW

METSO PAPER INC. AND  
VALMET CONVERTING, INC.,  
Defendant(s).

-----  
  
DEPOSITION OF HAROLD ISHERWOOD, a witness called  
by counsel for the Plaintiff, taken pursuant to the  
applicable rules, before Diane L. McElwee, Registered  
Merit Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the Offices of  
Proma Technologies, 24 Forge Park, Franklin,  
Massachusetts, on Friday, February 4, 2005,  
commencing at 10:05 AM.

\_\_\_\_\_  
JAMES GIBBONS & ASSOCIATES  
617-428-0402



1 could either have a drive on one arm or both arms; is  
2 that correct?

3 A Correct.

4 Q Do you know in March of 2002 whether the  
5 winding stations on Atlas Slitter 1 had the drives in  
6 one arm or two?

7 A Are you referring specifically to the time  
8 at which Mr. Pucillo had his accident?

9 Q Correct.

10 A At the specific time he had his accident,  
11 the winding arms had a drive in each arm.

12 Q When you say at the time of his accident,  
13 are you referring then to just Winding Station 2 or  
14 all of the winding stations on Atlas Slitter 1?

15 A They were only using one winding station.

16 Q Correct.

17 A The winding station that created the  
18 accident was using two winding arms, both of which  
19 had motors in them.

20 Q That was Winding Station 2, correct?

21 A Yes, without looking at my notes.

22 Q Do you know, for example, Winding Station 1,  
23 I realize -- strike that.

24 Do you know whether any of the other

1           A     Okay. I am going to refer now to the  
2 document. I am going to go to my conclusion.

3                     My conclusion is the primary cause of  
4 the accident was an uncontrolled overspeed of one of  
5 the winding arm motors. This coupled with the arms  
6 lifting, differential torque of one arm motor to the  
7 other created a situation where the core was ejected  
8 at high speed from the winding arms. The cause of  
9 the uncontrolled overspeed was incorrect setting of  
10 the latches on the Infranor PWM Dc servo drive.

11           Q     Are you the person that I should ask what  
12 that means in lay terms?

13           A     No. You should ask our electrical engineer.

14           Q     Okay.

15                     Do you have an understanding as the  
16 operations manager as to what caused the accident?

17           A     Yes.

18           Q     What is your understanding?

19           A     My understanding is that the latch was  
20 incorrectly set which caused the overspeed.

21           Q     The latch being?

22           A     On the drive.

23           Q     On the daughter card on the mother board of  
24 the drive?

1 Q If you look at the top row under "Setup  
2 arms" it says, 3R and 3L with a zero in between. Did  
3 that mean that Arm No. 3, 3 right and 3 left, there  
4 is no core? And 2 right and 2 left, between these  
5 two arms there is a 60-inch core?

6 A Between?

7 Q Between 2R and 2L it shows 60 inches.

8 A Yes.

9 Q As I read your report, under "Setup arms" it  
10 seems to suggest that there are six sets of arms.

11 A Yes.

12 Q Numbered 1 through 6 each with a right and  
13 each with a left.

14 A Yes.

15 Q It seems to suggest that all of the arms  
16 were empty at the time of the accident, except for  
17 Arms 2R and 2L?

18 A Correct.

19 Q And 2R and 2L held a 60-inch core.

20 A Correct.

21 Q So does that mean that there are really not  
22 four sets of arms but six on this machine?

23 A Most of the widths that we ran on the  
24 machine -- the web we put into the machine is a

# ATTACHMENT 8

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIRIACO PUCILLO,

Plaintiff,

vs

METSO PAPER, INC., and  
VALMET CONVERTING, INC.,

Defendants.

CASE NO. 03-CV-12359 MLW

**COPY**

**DEPOSITION**

**OF**

**RONALD DEAN PURCELL**

Taken by Plaintiff  
Charlotte, North Carolina  
February 8, 2005

Reported by: Colleen J. Cain, CSR

---

***Cain & Crane Court Reporters, LLC***

***Post Office Box 23833***

***Charlotte, North Carolina 28227***

***Phone (704) 545-3510 \* Fax (704) 545-3950***

1 A. April 2, 1950.

2 Q. What is your residential address?

3 A. 905 Woodhurst Drive, Monroe,

4 North Carolina 28110.

5 MS. COUNIHAN: For the record, it's been  
6 agreed that all objections will be made on the  
7 record, as Mr. Purcell is an out-of-state  
8 witness.

9 BY MS. COUNIHAN:

10 Q. Can you please tell me your education.

11 A. I graduated from high school in 1968. I  
12 attended UNCC, University of North Carolina at  
13 Charlotte, for about a year, year and a half.  
14 Joined the Army, and went to electronics and  
15 radar technician school in Fort Bliss, Texas.  
16 And that's about it.

17 Q. Do you hold any licenses?

18 A. No.

19 Q. Do you hold any degrees?

20 A. No.

21 Q. Do you hold any special certificates?

22 A. No.

23 Q. Are you presently employed?

24 A. Yes.

25 Q. By whom?

1 A. Bobst Group USA.

2 Q. For how long have you been employed by  
3 Bobst Group?

4 A. Just slightly over one year, I believe.

5 Q. That would go back to about January of  
6 2004?

7 A. First of February.

8 Q. And am I correct that prior to -- strike  
9 that. Who were you employed by prior to February  
10 of 2004?

11 A. Valmet Converting.

12 Q. And for what period of time were you  
13 employed by Valmet Converting?

14 A. About five years, I believe.

15 Q. Prior to Valmet, where were you  
16 employed?

17 A. Atlas Converting Equipment.

18 Q. For what period of time were you  
19 employed by Atlas Converting?

20 A. Probably, I guess, eleven years.

21 Q. And prior to Atlas?

22 A. Prior to Atlas, I was self-employed.

23 Q. Am I correct that Atlas Converting was  
24 purchased by Valmet Converting?

25 A. That's the way I understand it, yes.

1 also driven by, on that machine, a pair of  
2 motors. So the material is driven onto the core  
3 by the red rubber rolls we call pull rolls, and  
4 the tension is taken up through the center drive  
5 of the two rewind motors.

6 Q. And the rewind arms hold cores, correct?

7 A. Correct.

8 Q. How many cores can the Atlas slitter  
9 CSE1250R hold?

10 A. It varies with machine.

11 Q. That particular serial number, 92036,  
12 how many can that particular piece of equipment  
13 hold?

14 A. The best I remember, five.

15 Q. I'm just going to show you something and  
16 ask you if you can identify that.

17 A. Yes, I can identify that.

18 Q. What is that?

19 A. That is the operating manual for the  
20 Atlas model CSE1250R, contract number 92036.

21 Q. Is there a different operating guide for  
22 every piece of equipment?

23 A. Yes.

24 Q. So if I were to look at an operating  
25 guide for this exact same model, but a different



1 A. Right, or looking down.

2 Q. From the top?

3 A. From the top looking down.

4 Q. Okay. So for each of the cores, it  
5 would involve two rewind arms, correct?

6 A. Yes.

7 Q. And are those identified as left and  
8 right?

9 A. Yes.

10 Q. In each of these assemblies consisting  
11 of a left and right arm and the core, are those  
12 considered winding stations?

13 A. Yes.

14 Q. So if there were -- did you say how many  
15 cores there are on this particular piece of  
16 equipment?

17 A. To the best of my knowledge, on that  
18 machine, there are five rewind stations.

19 Q. Does each rewind arm on that piece of  
20 equipment have its own drive?

21 A. Yes.

22 Q. Does each drive have its own circuit  
23 board or control board?

24 A. Yes.

25 Q. My understanding was that some of the

1 arms -- or some of the winding stations are  
2 one-arm-driven versus two-arm-driven.

3 A. I can't remember on that machine.

4 Q. Are you familiar, in general, with some  
5 winding stations that are one-arm-driven versus  
6 two-arm-driven?

7 A. We have some machines that are  
8 one-arm-driven. We have some machines that are  
9 two-arm-driven. We have some machines where you  
10 can select whether it's one-arm-driven or  
11 two-arm-driven.

12 Q. But you don't have a memory as you sit  
13 here today of how many of the winding stations at  
14 the Proma facility or the Van Leer facility are  
15 one-arm-driven?

16 A. I could not say for certain, no.

17 Q. Is it your understanding then that there  
18 are ten drives in total in that piece of  
19 equipment?

20 A. Yes.

21 Q. And has that --

22 MR. KELLEHER: Just so the record is  
23 clear, when you're referring to drives, you're  
24 referring to Infranor drives, as opposed to all  
25 of the drives on the machine?

1 A. I don't know the specifics.

2 Q. Is this Rick Howe's territory or area?

3 A. That's his area of expertise.

4 Q. Are there different model numbers for  
5 the Infranor boards?

6 A. Yes.

7 Q. How many different model numbers are  
8 there for the Infranor boards that would be used  
9 in the model number or serial number 92036  
10 splitter?

11 A. To my knowledge, only one.

12 Q. Is that the SMVE2420M59?

13 A. Yes.

14 Q. And did that replace the SMVE2420M55?

15 A. Yes.

16 Q. Do you know when that transition or  
17 change took place?

18 A. I don't know.

19 Q. Do you know whether it was prior to  
20 2000?

21 A. I don't know.

22 Q. We're going to come to that in a second.  
23 What is the difference between the M59 and the  
24 M55, without going through all those other  
25 numbers?

1           A. As far as I'm aware, the difference  
2 between the M55 and the M59 is state-of-the-art  
3 change in components. They changed from what we  
4 call discrete, meaning resistors with little  
5 wires on the end that plug through holes in the  
6 printed circuit boards, to what is called surface  
7 mount technology, where the resistors are very  
8 small and they soldered directly on top of the  
9 board. There are no holes passing through the  
10 board. As far as I know, that's the only  
11 difference between the two drives.

12           MS. COUNIHAN: Those documents that I  
13 gave you this morning that I said were copies, do  
14 you have that package handy?

15           MR. KELLEHER: Yes.

16           BY MS. COUNIHAN:

17           Q. While I'm looking through this, let me  
18 ask you this. Once the transition went from the  
19 M55's to M59's, were the M55's discontinued?

20           A. To my knowledge, yes.

21           Q. So if you were to see that a purchase  
22 was made of an M59, you could assume that at  
23 least as of that date they had been switched over  
24 to M59's, correct?

25           A. You could assume that, yes.

1 A. Correct.

2 Q. Can you describe the switches?

3 A. The switch is a small piece of wire.

4 It's hard to do with my fingers.

5 Q. Like a hook?

6 A. One half of the switch is like a hook.

7 There are two hooks, and then one like a

8 spring-loaded piece of wire that either hooks

9 under one hook or the other hook.

10 Q. That's where you lose me. There's two  
11 hooks, right?

12 A. (The witness nodded.)

13 Q. And then a spring-loaded piece of wire  
14 that hooks under one of those two hooks?

15 A. Correct.

16 Q. And are those the only switches on the  
17 daughter board?

18 A. To my knowledge, yes.

19 Q. And is it fair to say that the two hooks  
20 are referred to as position A or B?

21 A. Correct.

22 Q. And one of them is the tachometer and  
23 one of them is the armature voltage feedback?

24 A. Correct.

25 Q. And for Proma, all of those would be on

1 the armature voltage feedback?

2 A. Correct.

3 Q. Who sets those?

4 A. I don't know.

5 Q. How are they set?

6 A. You just take your finger and push it  
7 down, unhook it from one hook, move it over, hook  
8 it under the other hook.

9 Q. How long does the whole thing take to  
10 set?

11 A. Two seconds.

12 Q. In your capacity as a field service  
13 engineer with Atlas or Valmet, did you set those  
14 switches?

15 A. No.

16 Q. At any time when you were at Proma's  
17 facility, did you set those switches?

18 MR. KELLEHER: I object.

19 BY MS. COUNIHAN:

20 Q. Prior to the accident, did you set those  
21 switches?

22 A. No.

23 MR. KELLEHER: Are you doing okay?

24 THE COURT REPORTER: Yes.

25 MS. COUNIHAN: Do you want to take a

1 possibly Dave Peavy. I don't remember exactly.

2 Q. Did you also work with Harold Isherwood?

3 A. No. I think there was a meeting  
4 possibly at the end where Harold was there. But  
5 I don't remember exactly.

6 Q. Did you know Mr. Isherwood from prior  
7 visits at Proma?

8 A. I had met him before, yes.

9 Q. What did you do as far as your  
10 investigation was concerned?

11 A. We went through a lot of reasons why  
12 either the arms could lift off the drum or why  
13 the rewinds could accelerate to something above  
14 what you would consider a reasonable speed.

15 A lot of things were discussed and  
16 eliminated as possibilities. So then we got down  
17 to actually focusing on the drives, because it  
18 appeared that everything external to the drives  
19 was working correctly. So we focused on the  
20 drives, specifically whichever arm, 2 left or  
21 2 right --

22 Q. You can refer to your report if that  
23 would help you. For the purposes of the record,  
24 though, if you could tell me when you're reading  
25 from your report versus when you're telling me

1 your independent knowledge.

2 A. Reading from my report, we focused  
3 initially on the drive for controlling arm  
4 2 left. That particular drive had the switch in  
5 the neither position, neither armature voltage  
6 feedback nor tachometer feedback.

7 Q. How does it appear when it's in neither  
8 position? Hanging straight down?

9 A. No, it sort of sticks up at an angle,  
10 because it has tension on it. So that when you  
11 hook it, it's trying to pull up, but it can't,  
12 because it's hooked under the hook. So when it's  
13 not in either position, it sort of points up at  
14 an angle.

15 Q. Okay.

16 A. And from there, once we found that that  
17 one was incorrect, I just went through all the  
18 rest of the drives and checked every daughter  
19 board on every drive. And then --

20 Q. Before we get to "and then," what did  
21 you find on the inspection of the other drives?

22 A. Reading from my report, 2 left, the  
23 switch was in the neither position. 2 right was  
24 correct. 1 left was in the wrong position. 4  
25 right was in neither position. And 5 left was in



1 Q. Oh, okay.

2 A. US, we call them jumpers. UK calls them  
3 links.

4 Q. So when you say standard operating  
5 procedures is to check the switches, jumpers, and  
6 links, that doesn't mean particularly to this  
7 Infranor drive board, correct?

8 A. No, this is a general, for anything  
9 electronic.

10 Q. And the standard operating procedures,  
11 is that a written procedure?

12 A. No.

13 Q. You indicated earlier that the arms  
14 lifted up prior to the core being ejected,  
15 correct?

16 A. Correct.

17 Q. Were you able to determine the cause of  
18 the arms lifting up?

19 A. No.

20 Q. If the speed control switch had been set  
21 correctly, would the arms have lifted up?

22 A. No, the two are not related at all.

23 Q. If the speed control switch had been set  
24 properly, though, would the core have been  
25 ejected?

1 A. No.

2 Q. Because I'm correct that the core was  
3 ejected because the speed control switch was set  
4 inappropriately or incorrectly, correct?

5 A. That, and the combination of the arms  
6 lifting off the winding drum.

7 Q. But I'm just trying to decide, the arms  
8 lifting off the winding drum, were you ever able  
9 to figure out the cause of that?

10 A. No, we never saw it again, couldn't make  
11 it happen again.

12 Q. And if the speed control switch had been  
13 set correctly, the fact that the arms lifted up  
14 would not have caused the core to eject, correct?

15 A. Correct.

16 Q. Were you able to verify that the machine  
17 had reset from the job prior to Mr. Pucillo's  
18 job?

19 A. When I got there, it appeared that  
20 everything had reset to be ready for the next  
21 order.

22 Q. So were you able to eliminate that as a  
23 cause of this accident?

24 A. Right.

25 Q. Were you able to determine the precise

1 cause of the accident?

2 MR. KELLEHER: Is that different than  
3 the other two causes he's talked about already?

4 MS. COUNIHAN: That's what I'm trying to  
5 figure out.

6 BY MS. COUNIHAN:

7 Q. I know that the arms went up, but that  
8 wasn't necessarily the cause of the accident,  
9 correct?

10 A. Right.

11 Q. The speed control switch was not set  
12 properly, and that was a cause of the accident,  
13 correct?

14 A. Correct.

15 Q. Were there any causes other than the  
16 speed control switch being improperly set, that  
17 you were able to determine?

18 A. No.

19 Q. After returning to North Carolina, did  
20 you have any meetings with anyone from Valmet  
21 with respect to your findings at this particular  
22 investigation?

23 A. Not that I recall.

24 Q. Were any changes made to the procedure  
25 by which Proma would obtain their boards as a

1 result of this accident?

2 MR. KELLEHER: Objection.

3 A. I don't know.

4 Q. Were any other of Atlas/Valmet's  
5 customers notified of this particular accident?

6 MR. KELLEHER: Objection.

7 A. I don't know.

8 MS. COUNIHAN: I have nothing further.

9 CROSS-EXAMINATION

10 BY MR. KELLEHER:

11 Q. Mr. Pucillo, let me just ask you two  
12 questions to clarify the record.

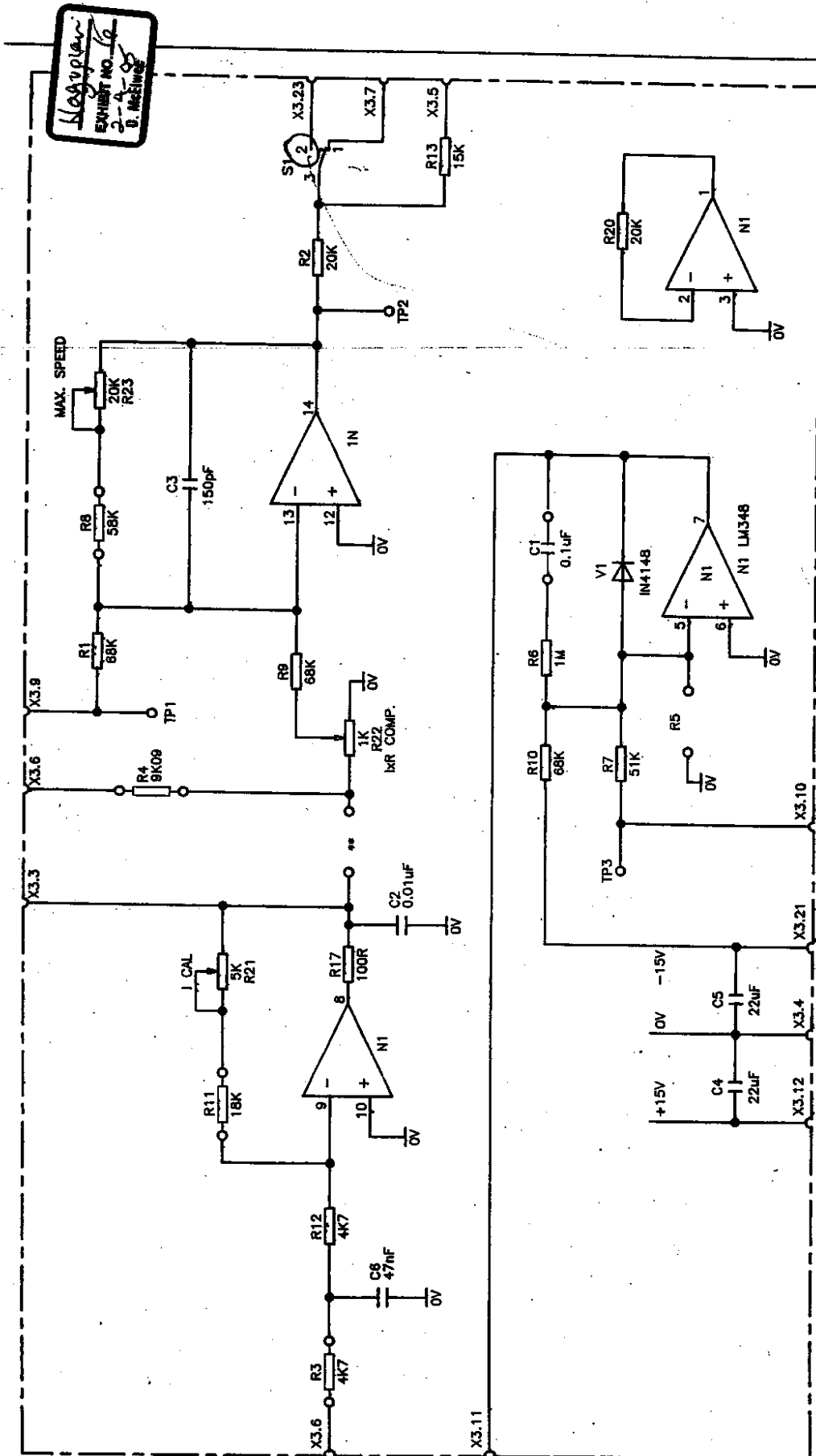
13 You testified a moment ago about the  
14 cause of Mr. Pucillo's accident. Is it correct  
15 to say that if the switch was in the proper  
16 position, this accident would not have happened?

17 A. That's correct.

18 Q. Is it also fair to say and correct to  
19 say that if the arms did not lift off the  
20 machine, the accident would not have happened?

21 A. My opinion is yes, if the arms had never  
22 lifted off the drum, this other problem with the  
23 drives could be existing today and we still  
24 wouldn't know about it. It took a combination of  
25 both events for this to happen.

# ATTACHMENT 9



OS13 FOR USE WITH S1V 2420 [M55][M59]  
 SET S1 TO POS. 1 FOR M55 [NON 'SUT']  
 SET S1 TO POS. 2 FOR M59

FOR WIRING DETAILS SEE SHEETS [43-48 & 51-56]

\*\* ALTERNATIVE POSITION FOR R4

DRAWING FROM SPARE WIRE NUMBERS  
 ENGINEER [M. PHILLIPS]  
 DRAWN [T. FRAMPTON]  
 DATE [6/5/63]

**ATLAS**  
 CONVERTING EQUIPMENT

INFRANOR ARMATURE FEEDBACK  
 BOARD OS13

VAN LEER [92036]

A800743

158

# ATTACHMENT 10

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Ciriaco Pucillo,

Plaintiff,

vs.

Metso Paper Inc. and Valmet  
Converting, Inc.,

Defendants,

C.A. NO. 03-CV-12359 MLW

**COPY**

Deposition of:  
**ROBERT LYONS**

The deposition of Robert Lyons was taken pursuant to the Federal Rules of Civil Procedure, before Sarah B. Fry, a Notary Public in and for the State of South Carolina, at The Crown Reef IV Resort, 2913 South Ocean Boulevard, Myrtle Beach, South Carolina, 29576 on February 15, 2005, commencing at 11:07 a.m.

**ADVANTAGE COURT REPORTING  
OF MYRTLE BEACH**  
407 Luttie Road, Myrtle Beach, SC, 29588  
843-293-2039



1 Q. Where is their office in the United States?

2 A. The office in the United States was in Charlotte, North  
3 Carolina. It still is, Charlotte, North Carolina.

4 Q. They still have an office, to the best of your knowledge, in  
5 Charlotte, North Carolina?

6 A. Not – no. Now it's Bobst. Sorry.

7 Q. Well, I think that's what I'm trying to get clarified here, so  
8 that when we refer to a particular entity, I have the right  
9 entity. When you – let me just ask, when did you retire?

10 A. In December of 2001. No, December, 2002.

11 Q. Okay. And at that time, you were working for Valmet  
12 Converting, correct?

13 A. Correct.

14 Q. With an office where?

15 A. Charlotte, North Carolina.

16 Q. What was the street address?

17 A. Arrow Ridge Boulevard.

18 Q. And for how long had you been working for Valmet?

19 A. Since they purchased us, approximately five years before  
20 that. So it would be '97.

21 Q. Valmet purchased who?

22 A. Valmet in Finland purchased Atlas in England.

23 Q. Do you know the address for the facility of Atlas in  
24 England?

25 A. Yes. Kempston. I don't know the street address, but

Kempston is the town, and Bedfordshire is the county.

Q. And for how long has Atlas been located or had a facility in Kempston, Bedfordshire?

A. Twenty years.

Q. Okay. So it's your understanding that in 1997, in or about 1997, Valmet in Finland purchased Atlas in England?

A. Correct.

Q. And the facility in North Carolina changed its name to Valmet?

A. Yes.

Q. What had it been prior to Valmet?

A. Atlas Convert – Atlas Group, Americas.

Q. And for how long had it been Atlas Group, Americas?

A. Oh, four or five years.

Q. What had it – what was it prior to Atlas Group, Americas?

A. Atlas Converting Equipment, USA.

Q. And for how long was it Atlas Converting Equipment, USA?

A. Oh, I would say for approximately fifteen years.

Q. Did the change from Atlas Converting Equipment, USA to Atlas Group, Americas result from any particular

transaction, or was it simply a name change?

A. Basically just a name change.

Q. So Atlas Group, Americas didn't purchase Atlas Converting Equipment?

A. Nope.

1 closed and went to Atlanta.

2 Q. Okay. Let's mark that.

3 (PLAINTIFF'S EXHIBIT TWO, ONE PAGE COPY OF MEMO,  
4 WAS MARKED)

5 Q. For the record, that document is Exhibit Two. Now, this  
6 document, the second paragraph indicates, "Valmet  
7 Converting, Inc., previously Atlas Group, Americas," that  
8 was the American company of the British organization,  
9 correct?

10 A. Correct, uh-huh.

11 Q. "... includes Valmet General, previously General Vacuum  
12 Equipment." What's that?

13 A. That was another division of the British company that made  
14 similar equipment, originally located in Connecticut, and  
15 came down and joined us in North Carolina sometime.

16 Q. Did they have anything to do with the Atlas slitters?

17 A. No.

18 Q. All right. Then it says, comma, "Valmet Atlas, previously  
19 Atlas Converting Equipment." What does that mean?

20 A. Okay. I didn't realize Valmet Atlas was an official name. I  
21 guess that's saying Valmet Atlas is an official name.

22 Q. So Atlas Converting Equipment, which was the predecessor  
23 to Atlas Group, Americas, became Valmet Atlas?

24 A. Evidently.

25 Q. And do you know where they were located?

1 A. Everything was located at the Arrow Ridge or – everything  
2 was located at the Arrow Ridge address, yeah.

3 Q. Okay. So am I correct that Valmet Converting would –  
4 Valmet Converting, Inc. would be considered the parent  
5 company of Atlas in England?

6 A. Huh-uh.

7 Q. Or vice versa?

8 A. Vice versa.

9 Q. Okay. And so it's just Valmet Converting, Inc. consolidated  
10 the American versions of those companies.

11 A. Exactly. Exactly.

12 Q. Is that fair to say?

13 A. Uh-huh.

14 Q. All right.

15 MS. JOHNSON: Just try saying yes or no.

16 A. Yes. Yes.

17 Q. It's very tempting to just nod your head, I know. Okay.  
18 From the period of time from 2000, when you moved into  
19 Sam Neely Boulevard, or up until two thousand – or  
20 December of 2002, when you retired, did you always work,  
21 then, for Valmet Converting, Inc.?

22 A. Yes.

23 Q. Okay. That was the name of the entity that employed you  
24 during that period of time, correct?

25 A. Uh-huh. Yes.

1 Q. And for that entire period of time, was Valmet Converting,  
2 Inc. a subsidiary of Atlas in England?

3 A. Legally, I don't know how – I can't recall exactly how it was  
4 set up. But operationally, yes. We basically worked for the  
5 subsidiary of England.

6 Q. Okay. And are you aware at all of the transaction that  
7 occurred in 2004, whereby Bobst purchased Valmet and  
8 Atlas?

9 A. I'm aware of it, but it was after my time, so I'm not involved  
10 in it.

11 Q. Okay. Fair enough. If at any time during the course of this  
12 deposition I use the wrong entity, be it Valmet, or Valmet  
13 Converting, or Valmet Atlas, if you could just point out to  
14 me that I'm referring to the wrong people, so that the record,  
15 then, when we read the transcript, is correct as to who is the  
16 proper party. In addition to Atlas changing from Atlas to  
17 Valmet to Bobst, as you know, at the other end of this  
18 situation, Van Leer became Proma. So it's very difficult to  
19 figure out who exactly are the players at the particular  
20 moments that we're talking about. But I think if we just go  
21 through it slowly enough, we can figure out as to a particular  
22 point of reference who it is we're dealing with.

23 A. Fine.

24 Q. But I would just ask, if I'm way off, let me know which  
25 company I should be talking about.

1 other than Charlotte, were there any other locations within the  
2 United States that Atlas or Valmet had a physical facility?

3 A. Yes. Sometime in the late 80's, I believe, we bought another  
4 company in England known as General Vacuum Equipment.  
5 They had an office in Connecticut.

6 Q. Do they still have an office in Connecticut?

7 A. No. They joined us in Charlotte in the mid 90's. I couldn't  
8 tell you a date.

9 Q. Do you know whether it was after or before the date on  
10 Exhibit Number Two, which is May 9<sup>th</sup> of 2000?

11 A. It was before that, yes. It was before that.

12 Q. Okay. Can you describe for me the business that you started  
13 here in 1987? What type of business was it?

14 A. The object of starting the business in the states was to sell and  
15 manufacture slitting equipment.

16 Q. Would any of the manufacturing of the slitters take place in the  
17 United States?

18 A. At that time, yes.

19 Q. For how long did the facility in the United States manufacture  
20 slitters?

21 A. About four years.

22 Q. The Atlas slitter that was involved in this particular accident,  
23 do you know where that machine was manufactured?

24 A. Yes.

25 Q. Where?

1 A. England.

2 Q. So by the time Van Leer purchased that piece of equipment,  
3 the manufacturing in the United States had ceased?

4 A. Correct.

5 Q. Okay. At any time since that point, have they started  
6 manufacturing slitters again in the United States?

7 A. No.

8 Q. After they stopped manufacturing the slitters, did they  
9 continue to sell the slitters?

10 A. Yes.

11 Q. Did they offer service?

12 A. Yes.

13 Q. I think I said that wrong. Did they also service those slitters?

14 A. Yes.

15 Q. And would that be done out of the facility in North Carolina as  
16 well?

17 A. Not a hundred percent. In a lot of cases, we still got service  
18 from England, but the goal was for the Charlotte operation to  
19 do all the servicing of all US machines.

20 Q. How many US machines were there back in 1987?

21 A. A hundred and fifty, roughly.

22 Q. Approximately how many machines, Atlas slitter machines,  
23 were there in the United States when you retired in December  
24 of 2002?

25 A. Gosh. Two hundred and fifty. Those are very rough guesses.

Carolina.

A. Right.

Q. Off the record.

(A SHORT BREAK WAS TAKEN OFF THE RECORD)

EXAMINATION CONTINUED BY MS. COUNIHAN:

Q. Okay. I think when we went off the record there, I was trying to determine the size of Valmet in North Carolina. And I'm really just looking for some sense of, has the company grown exponentially over the past fifteen years? Has it pretty much stayed the same? Just some general sense of where the company was going.

A. Okay. I'll address just that little operation that we just described. I started by myself in about '86. When we were manufacturing equipment, we got up to about twenty-five people. We stopped manufacturing equipment, and in about 1990, and decided just to keep spare parts and service personnel. And at that point, we were down to about five people and then built it up to the point where Valmet bought us in '96, whatever it was. We were about twenty people, which at that point would have included the General Vacuum Equipment joining us, and that was only three people.

Q. Okay. And then – all right. So that brings you up to 1997, when Valmet bought Atlas.

A. Correct.

Q. And then what about from 1997 to 2002? That's roughly –



Infanor drives as well?

A. Probably not.

Q. Okay. You indicated that the third factor in determining the model would be production requirements. What did you mean by that?

A. By that, I mean primarily the speed of the paper through the machine.

Q. So that's sort of a derivative of your speed criteria?

A. Uh-huh, yes.

Q. And this particular machine can go – has a maximum speed of three thousand feet per minute. Is that correct?

A. I don't recall specifically, but that sounds about right.

Q. And you said that would be considered at the faster end of the spectrum?

A. Yes.

Q. Were you involved with the sale of the Atlas slitter to Van Leer?

A. Not initially.

Q. Who was initially involved from Atlas?

A. The primary sales contact on this product, on this project, was Chris Rogers.

Q. And was he in the United States or in England?

A. England.

Q. Do you know how he became involved? Did Van Leer approach him?

1 A. Van Leer – yes. Van Leer – Chris Rogers basically worked  
2 with the Van Leer people from Finland on the original sale of  
3 the machine.

4 Q. Okay. So Van Leer's parent corporation was in Finland at the  
5 time?

6 A. Correct.

7 Q. And Chris Rogers was involved with that facility or company?

8 A. Correct.

9 Q. And they were negotiating the purchase of an Atlas slitter for  
10 use in the United States, correct?

11 A. Precisely, yeah.

12 Q. And at that point, the Van Leer facility was in Framingham?

13 A. Yes.

14 Q. Did you ever go to Framingham?

15 A. Yes.

16 Q. When did you first get involved?

17 A. After the machine was delivered to Framingham.

18 Q. And how did you get involved?

19 A. Because the machine came to the states, it was logical that  
20 somebody from this side be the primary contact. So I became  
21 the primary contact.

22 Q. By that time, had the serial number, for lack of a better word,  
23 been established for that particular machine?

24 A. The serial number is established the day the machine is  
25 ordered.

1 Q. Okay. Well, that's what – that's where I'm going with this.

2 By the time you were involved, the machine had already been  
3 set up to accommodate the Van Leer application, correct?

4 A. Absolutely.

5 Q. All right. Do you know, or did you become aware of what  
6 information Van Leer had given Atlas with respect to the  
7 application that they'd be using the machine for?

8 A. Not directly.

9 Q. Have you ever seen any writings or communication back and  
10 forth between Van Leer and Atlas regarding what the machine  
11 was going to be used for?

12 A. I'm sure I have, but I don't remember specifically.

13 Q. So by the time you got involved, the machine had been  
14 delivered to Framingham?

15 A. Yes.

16 Q. And what was the reason that you first went up there?

17 A. I don't recall.

18 Q. Is that customary, when someone – when a customer  
19 purchases a machine, that some representative from the  
20 company would go to the facility?

21 A. Exactly, yes.

22 Q. And is that type of a – is that part of a training program?

23 A. It's just customer service. You know, to introduce ourselves  
24 as, you know, their primary contact. If the machine is built in  
25 England and running here, we want them to look to us for

1 spares and service. So yes, I would introduce myself, if I  
2 didn't already know them, and convince them to deal directly  
3 with us rather than going back to England for everything.

4 Q. So it was really more of an introductory meeting?

5 A. Basically.

6 Q. Do you know when that took place?

7 A. That would have taken place shortly after the machine was  
8 installed and started, and actually put into production.

9 Q. And if I were to suggest 1993, does that sound about right?

10 A. Yes.

11 Q. And prior to that, had Atlas sent engineers over to the United  
12 States?

13 A. Atlas would have sent engineers over to install, or to supervise  
14 the installation, and to instruct the operators in the operation of  
15 the machine.

16 Q. What I guess I'm trying to get a sense of is how it is that Atlas  
17 learns what modifications need to be made to a machine before  
18 it's actually shipped to the United States.

19 A. Well, before it's built, the sales personnel – in this case, Chris  
20 Rogers – would have meetings with the potential buyer, to go  
21 through all the specifics of their requirements, and that would  
22 result in us recommending certain features on the machine.

23 Q. And those meetings would have taken place in England,  
24 correct?

25 A. England or Finland in this case.

1 A. No.

2 Q. Is there anyone from Atlas in the United States or Valmet in  
3 the United States that could look at a drive board and tell if a  
4 switch was connected incorrectly?

5 A. Well, if he had the drawing telling him where it should be,  
6 with that drawing, he could then look at the board and see if  
7 it's correct or not.

8 Q. But he'd have to pull out the drawing?

9 A. I believe so.

10 Q. The switches that were set on the – strike that. When the  
11 machine was sent over to Framingham, is it fair to say that the  
12 drive boards were in it, the Infanor drive boards were in it?

13 A. Yes.

14 Q. And those Infanor drive boards would have already had their  
15 switches set, correct?

16 A. Yes.

17 Q. And those would have been set by the engineers in England,  
18 correct?

19 A. Yes.

20 Q. And when they came to the United States, in order to make the  
21 machine operational, they didn't need to reset the switches,  
22 correct?

23 A. Correct.

24 Q. And were you involved with the training of the Van Leer  
25 employees at that time with respect to how to use the machine?